

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EWARG LARIOS

v.

VINCENT MOONEY, et al.

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CIVIL ACTION

NO. 16-0873

ORDER

AND NOW, this 12th day of April 2017, after careful and independent consideration of Ewarg Larios's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1), the Respondent's Answer to the Petition for Writ of Habeas Corpus (Doc. No. 20), and the Report and Recommendation by United States Magistrate Judge Timothy R. Rice (Doc. No. 30), proposed without objection, it is hereby ORDERED as follows:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is DISMISSED WITH PREJUDICE.
3. A certificate of appealability shall not issue because reasonable jurists would not debate the correctness of this Court's ruling. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).
4. The Clerk of Court is directed to mark this case closed for statistical purposes.

BY THE COURT:

/s/ Legrome D. Davis

Legrome D. Davis, J.